

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

<p>MILWAUKEE ELECTRIC TOOL CORPORATION, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>HILTI, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No.: 2:14-cv-01288-JPS</p>
<p>MILWAUKEE ELECTRIC TOOL CORPORATION, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>CHERVON NORTH AMERICA, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No.: 2:14-cv-01289-JPS</p>
<p>MILWAUKEE ELECTRIC TOOL CORPORATION, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>POSITEC TOOL CORPORATION and POSITEC USA, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 2:14-cv-01295-JPS</p>
<p>MILWAUKEE ELECTRIC TOOL CORPORATION, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>SNAP-ON, INCORPORATED,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No.: 2:14-cv-01296-JPS</p>

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56**

Plaintiffs assert infringement of the following claims against Chervon: claims 1-4 and 8-10 of U.S. Patent No. 7,554,290 (“the ’290 patent”), claims 1-2, 4-5, 7-13, and 16-19 of U.S. Patent No. 7,999,510 (“the ’510 patent”), and claims 1-4, 8-10, and 12-13 of U.S. Patent No. 7,944,173 (“the ’173 patent”).

Plaintiffs assert infringement of the following claims against Hilti: claims 1, 4, and 7-10 of the ’290 patent, claims 1, 4-5, and 7-19 of the ’510 patent, and claims 1, 4, 7-10, and 12-13 of the ’173 patent.

Plaintiffs assert infringement of the following claims against Snap-On: claims 1 and 8-10 of the ’290 patent, claims 1, 4-5, 7-13, and 16-19 of the ’510 patent, and claims 1, 8-10, and 12-13 of the ’173 patent.

Plaintiffs assert infringement of the following claims against Positec: Metco asserts, at least, claim 1 of the ’290 patent, claim 1 the ’510 patent, and claim 1 of the ’173 patent.

Plaintiffs move this Court, under Fed. R. Civ. P. Rule 56 and Civ. L.R. 56 for an Order (1) finding the above-referenced claims valid as a matter of law over the Prototype Pack under 35 U.S.C. § 102; and (2) adopting Judge Callahan’s construction of the 20 Amp limitation and finding that this limitation requires “the battery cells, when configured together in a battery pack, are capable of producing reasonably close to 20 Amps of discharge current or greater over the course of delivering their entire rated capacity.”

The bases for this motion are contained in the papers and pleadings already on file with the Court, as well as the Brief, Declarations, and Exhibits filed herewith.

The same motion, and supporting documents, has been filed in all pending cases involving the patents-in-suit: Chervon (2-14-cv-01289), Hilti (2-14-cv-01288), Snap-On (2-14-cv-01296), and Positec (2-14-cv-01295).

Dated: July 31, 2015

Respectfully submitted,

/s/ Scott W. Hansen

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